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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,294	12/03/2003	Glen J. Hendricks	ARS .003	7016
41898	7590	12/19/2005	EXAMINER	
LONG & CHYBIK 1575 DELUCCHI LANE, SUITE 32 RENO, NV 89502			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,294	<b>Applicant(s)</b> HENDRICKS, GLEN J.	
	<b>Examiner</b> Alissa L. Hoey	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,9,11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,9,11 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to amendment received on 10/21/05. Claims 1, 5, 6, 8 and 11 have been amended, claims 2, 7, 10 and 12-20 have been cancelled and claim 21 has been newly added.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-6, 8, 9, 11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by DeCaro (US 6,240,560).

In regard to claim 1, DeCaro teaches modular clothing for use as swimwear which comprises one of more panels, each having a front side and a back side (figure 7). The front side (60) and the back side (62) of each panel having different appearances with at least one panel being used to cover a private portion of a wearer (see the back and front portion having a different shape). One or more securing mechanisms (46) that reversibly secures at least one panel to the wearer (figure 7). One or more attaching mechanisms (46') having the capacity to removably attach the securing mechanism (46) to the panel and in that capacity, the attachment mechanism (46') is removable from both the panel and the securing mechanism (46).

In regard to claim 3, DeCaro teaches the panels differing in size or shape (figures 5 and 8a).

In regard to claim 4, DeCaro teaches the different appearances of the sides of a panel is accomplished by one or more features of a group of features consisting of color, texture, design, indicia and glyph. It would have been inherent that panels 60 and 62 would have different outside and inside characteristics, since the inside panel portions would either be lined or the back side of the patterned/colored fabric layer and would therefore give off a different color shade than the outer panel portions.

In regard to claim 5, DeCaro teaches the front side of all the panels having different appearances (figures 5 and 8a, identifiers 60 and 62).

In regard to claim 6, DeCaro teaches all the back sides of all the panels having an appearance that is different from one another and from that of the front sides of the panels (figures 7 and 8a, identifiers 60 and 62). It would have been inherent that panels 60 and 62 would have different outside and inside characteristics, since the inside panel portion would ether be lined or the back side of the patterned/colored fabric layer and would therefore give off a different color shade than the outer panel portions.

In regard to claim 8, DeCaro teaches wherein no panels are the same front side or back side (60, 62).

In regard to claim 9, DeCaro teaches the modular clothing is a bikini style swimwear (figures 5 and 8a).

In regard to claim 11, DeCaro teaches the securing mechanism (46) further comprising an attachment strap (46) which has at least two sides, a front side and a

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back side, both of which have appearances that are different from both the back sides and front sides of the panel (60, 62) to which the securing mechanism (46) is attached (figure 7).

In regard to claim 21, DeCaro teaches the attaching mechanism (46') further having the capacity to reversibly attaching one panel to another panel and in the capacity the attachment mechanism is removable from both panels (figure 7).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-6, 8, 9, 11 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Green and Holland are all cited to show closely related garment articles.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

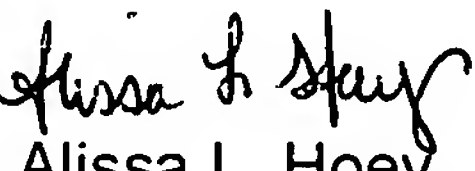
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alissa L. Hoey  
Primary Examiner  
Technology Center 3700